



Preserving America's Heritage

AB290-401A  
#E1-2687  
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January 9, 2007

Ms. Victoria Rutson  
Chief  
Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423

Re: *Norfolk Southern Railway – Abandonment Exemption*  
*Kanawha County, West Virginia*  
STB Docket No. AB-290 (Sub-No. 267X)  
ACHP Ref.: 5786

Dear Ms. Rutson:

The Advisory Council on Historic Preservation (ACHP) recently received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on properties eligible for inclusion in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is warranted. However, should circumstances change and you or other consulting parties determine that our participation is required, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the West Virginia State Historic Preservation Office (SHPO) and other consulting parties, and related documentation at the conclusion of the consultation process. The filing of this MOA with the ACHP and fulfillment of its stipulations are required to complete your compliance responsibilities under Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact me at (202) 606-8520 or [kharris@achp.gov](mailto:kharris@achp.gov).

Sincerely,

Katry Harris  
Historic Preservation Specialist  
Office of Federal Agency Programs